

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

NO. 3:14CR111HTW-FKB

CECIL McCrORY

DEFENDANT

MOTION FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN

The United States of America, by and through its undersigned United States Attorney, respectfully moves the Court for an Order appointing the Federal Bureau of Investigation (FBI) as substitute custodian for the United States Marshals Service relating to the seizure of a 2013 Chevrolet Avalanche, VIN 3GNMCGE02DG255896 seized from the above named Defendant and in support of its requests states the following, to-wit:

1. Generally, the United States Marshals Service (USMS) is charged with the maintenance of custody, management control, and disposal of property and money seized or forfeited pursuant to any law enforced or administered by the Department of Justice. See 28 C.F.R. § 0.111(I). These duties include seizure and maintaining possession of property until forfeiture proceedings are completed.

2. The performance of the above-specified duties typically result in the United States incurring costs associated with the storage and maintenance of property until forfeiture proceedings are completed and even beyond the completion of forfeiture proceedings through certain disposal activities. The USMS also devotes a considerable amount of labor hours to the custody, control, and disposal of seized and forfeited property.

3. The FBI is currently in possession of a 2013 Chevrolet Avalanche, VIN 3GNMCGE02DG255896 seized from Defendant Cecil McCrory on or about March 4, 2015. The

FBI may maintain custody and control of the Defendant property at a minimal cost to the United States.

4. This motion is made in accordance with Rule 47, Federal Rules of Criminal Procedure, for the purpose of preventing the needless expenditure of resources of the USMS.

WHEREFORE, PREMISES CONSIDERED, the United States of America respectfully requests that this Court enter an Order appointing the FBI as substitute custodian for the USMS relating to the seizure of the 2013 Chevrolet Avalanche, VIN 3GNMCGE02DG255896.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the appropriate counsel in this case.

THIS the 13th day of March, 2015.

/s/ J. Scott Gilbert
J. SCOTT GILBERT
Assistant United States Attorney